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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,788	09/18/2001	Nestor Kolcio	UPI 2-001	8181

7590 05/09/2003
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EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/09/2003 *7*

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,788

Applicant(s)

KOLCIO ET AL.

Examiner

Katherine M Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The amendment B of 3/11/03 has been received and reviewed. Claims 1 and 8 and the specification have been amended, and a Fig.1A and a declaration have been submitted. Claims 1-14 are pending.

Drawings

2. The corrected or substitute drawings were received on 3/11/03. These drawings are acceptable for examination purposes.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson-Mapa (Hutchinson, France, 2,448,307-translation enclosed) in view of Daum et al. (Daum, U.S. 2002/0075232) and Barasch (U.S. 3,761,965). Hutchinson '307 discloses the invention substantially as claimed. Hutchinson teaches method steps inherent in the structure of a rubber, tight-fitting, and insulative electricians' glove 1 with a non-conductive, adhesively-retained flock lining 5 on at least a palm and back interior and the initial joint glove regions, for

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accessing low-voltage electrical components. The glove includes roughened external surfaces at the palm and fingertip regions 3,4 (Figs.1,2) and ridges (pg.4, lines 11-15). Page 2, lines 19-21 recite that the glove is capable of providing protection under test voltages of at least 5000 volts. However, Hutchinson does not teach periodically removing the glove from the hand to cool and remove moisture from the hand and glove and thereafter replacing the glove on the hand. Daum '232 teaches a rubber glove which produces a build up of sweat inside the glove (pg.1, col.1, paragraph 6). As a result, it is common for a user to have to take a rest from using the glove after only several minutes. "Taking a rest" implies a brief respite from wearing the glove, including removing the glove and thereafter replacing the glove upon the hand. Hutchinson also does not teach flock diminishing from the bases of the finger sheaths to be substantially absent at the fingertip regions. Barasch '965 teaches a glove 10, used for applications requiring manual dexterity and tactility, with a diminished textured surface 20 of granular particles 24 on the inner surface of the finger sheaths 11-15, which assist in donning the glove. The concentration of particles 24 diminishes from the bases of the finger sheaths to be substantially absent at the fingertip regions as shown in Figures 1 and 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of periodically removing the glove from the gloved hand to cool and remove moisture from the hand and glove and thereafter replacing the glove upon the hand, because it is well known that rubber gloves cause a build up of sweat on a glove's interior, thus removing the glove and replacing it thereafter, temporary cools the user's hand. Regarding claims 5 and 12, Hutchinson teaches the ridges may be replaced by any suitable raised projections. Further, the specification does not provide criticality for the triangular ridged pattern. As such, this is an obvious design choice which could

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have been arrived at through routine experimentation. Accordingly, it would have been obvious to one of ordinary skill in the art to provide Hutchinson's glove with a formation of ridges provided as a triangular pattern because this pattern is known to provide anti-slip properties to the glove. Finally, it would have been obvious to provide Hutchinson's glove with the diminished flock from the bases of the finger sheaths to be substantially absent at the fingertip regions, as taught by Barasch, so that the inner surface of the glove includes a frictional surface for assisting in easily donning the glove, but the user's prime region of tactility is not impeded by texturing.

5. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson '307 in view of Daum '232 and Barasch '965, and further in view of Barnett (U.S. 4,536,890). Hutchinson discloses the invention substantially as claimed. However, Hutchinson does not teach the step of spraying a non-conductive adhesive flock through the hand access opening of the glove. Barnett '890 teaches a glove with an adhesive born flock layer 20 which is applied by spraying. This is a common method employed to quickly and cleanly provide a glove with an insulative layer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to spray a flock layer in the glove of Hutchinson because this is a time-efficient method of imparting lining into the glove.

Response to Arguments

6. Applicant's arguments with respect to claims 1-14 have been considered. Applicant contends that one of the main differences between Hutchinson '307 and the present invention is that the exterior layer of Hutchinson is relatively heavy, rigid, and stiff and does not permit

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sufficient finger dexterity to maneuver small electrical system components such as washers, bolts, nuts, and the like and makes the glove more difficult to remove. This contention is respectfully refuted. Page 2 of Hutchinson teaches an exterior layer of synthetic elastomer providing resistance to chemical agents and UV radiation. Hutchinson recognizes the need for a glove that preserves the tactile capabilities of the user and is flexible enough to allow sufficient maneuverability of the glove. Hutchinson also recognizes that it is desirable to provide a ribbed glove with an interior flocking layer to facilitate putting on and taking off the glove. A glove of synthetic elastomer is not especially heavy as Applicant contends. It appears that Applicant's arguments are more limiting than that which is recited in the claims. Further regarding the glove's exterior, Applicant's claims merely recite a rubber glove and as such, Hutchinson meets the claim limitations.

7. Applicant also contends that Hutchinson's flocking layer covers the entire middle layer of the elastomer, whereas the claims recite diminished flocking from the bases of the finger sheaths to the fingertip region. Barasch is relied upon for this teaching.

8. The methods of manufacturing the gloves of Hutchinson and the present invention is not relevant to the claims because the rejection relies upon Daum for the teaching of applying the flock by spraying. Further, Daum is not relied upon to teach a glove that is easy to take on or off by providing lining to certain or select areas of the glove's interior. This is taught by Hutchinson as stated above. Regarding Applicant's arguments on pg.5, Barnett's motivation for spraying the flocking material is irrelevant, since the flock structure is the same in both cases.

9. The declaration under 37 CFR 1.132 filed 3/11/03 is insufficient to overcome the rejection of claims 1-14 based upon Hutchison '307 and Daum '232, as set forth in the last

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Office action because: the points raised in numbers 1-25 of the declaration do not obviate the prior art rejections cited above. Regarding pg.1, number 6 of the declaration where Applicant contends that Hutchinson's glove is structurally different than that disclosed for use with the method of the present invention, Hutchinson's glove recites the structural elements as claimed. Regarding pg.2, number 13, where Applicant contends that Hutchison's glove is relatively heavy, rigid, and stiff and does not permit sufficient finger dexterity to effectively maneuver small electrical system components such as washers, bolts, nuts, etc., Hutchinson's disclosure does not teach a heavy, rigid, and stiff glove as discussed above. The points raised in numbers 17-19 have been obviated by Hutchinson and Barasch as discussed above.

It is believed that the other points raised by the declaration have been obviated by the newly discovered art recited above, or are not relevant to the patentability of the present invention .

Conclusion

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications should be directed to Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official fax number for the organization where this application is assigned is (703) 872-9302. The after final fax number for this organization where this application is assigned is (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (703) 308-1148.

Kmm

May 5, 2003


JOHN S. CALVERT
SUPERVISORY PATENT EXAMINER
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